

REMARKS

I. Status of Claims

The Applicant has carefully considered the Office Action dated October 16, 2009, and the references it cites. Currently, claims 1-10 are pending in this application. The Examiner rejects:

- claims 1-3 and 6-8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,639,915 to Tsztoo et al. (*Tsztoo*) in view of U.S. Patent No. 5,907,542 to Kuehnel et al. (*Kuehnel*); and
- claims 4-5 and 9-10 as being unpatentable over *Tsztoo* in view of *Kuehnel* and in further view of U.S. Patent No. 6,201,789 to Witkowski et al. (*Witkowski*).

In response, the Applicant submits the following remarks.

II. Applicant Requests a Subsequent Office Action on the Merits

Applicant submits that Examiner has not fully responded to the remarks previously provided. In the Office Action, the Examiner provides a form paragraph that states that the test for an obviousness rejection is what the combined teaching of the references would suggest to one of ordinary skill in the art. *See the Office Action at pp. 9-10*. However, the Examiner's response does not address Applicant's arguments that there is no reason to make the alleged combination (because *Kuehnel* teaches away from the combination). It is axiomatic that "[t]he proposed modification cannot render the prior art unsatisfactory for its intended purpose." *See MPEP § 2143.01(V)*. More particularly, "[i]f [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *See MPEP § 2143.01(V)*.

The Examiner's form paragraph does not rebut Applicant's arguments that there is no motivation to make the alleged combination. As such, the Examiner has not fully responded to the Office Action and Applicant once again must raise the issue again. Specifically, "[t]he examiner's action will be complete as to all matters, except that in appropriate circumstances." *See 37 C.F.R. § 104(b)*. Based on the foregoing, Applicant respectfully requests another office action if the rejection is maintained to afford the Applicants an opportunity to respond.

III. Claim Rejections Under 35 U.S.C. § 103(a)

Claim 1 recites a symbol buffer memory device comprising, *inter alia*, a buffer memory for storing the symbol data for the logical channel according to input sequences so that the symbol data of the logical channels are stored in a continuous arrangement, and a start address table for storing address information according to the logical channels, each of the address information indicating a location of initial symbol data corresponding to each of the logical channels from among the symbol data stored in the buffer memory.

At the outset, Applicant submits that the Examiner is not considering the entirety of the claim. For example, the Examiner states that *Tsztoo* fails to disclose “the symbol data of the logical channels are stored in continuous arrangement with the buffer memory.” *See the Office Action at p.4, ll. 1-2*. Applicants believe that the Examiner misinterprets the claim to allegedly recite storing the symbol data based on the logical channels. However, claim 1 recites a buffer memory for storing the symbol data for the logical channel ***according to input sequences*** so that the symbol data of the logical channels are stored in a continuous arrangement. Specifically, Applicants believe that the Examiner ignores “storing the symbol data ... according to input sequences” recitation. Stated differently, the claim does not state that the data is arranged according to the logical channels. Applicants further submit that the Examiner should refer to the specification for further understanding of the claims. This is yet another reason for which the Examiner should afford Applicant a further opportunity to a new Office action.

Tsztoo does not teach or suggest a buffer memory for storing the symbol data for the logical channel according to input sequences. Rather, *Tsztoo* teaches storing data according to the channel. In particular, *Tsztoo* states that it is directed to “a voice processing system that receives voice data from a number of different channels and in a variety of forms, and stores the data at predetermined locations in a buffer memory.” *See Tsztoo at 5:32-34*. Moreover, *Tsztoo* expressly sets forth that the buffer memory includes “non-contiguous locations, each location being dedicated to storing voice data for one particular voice channel.” *See Tsztoo at 5:35-37*. That is, the data stored in *Tsztoo* is stored ***based on the channel***. FIG. 9 of *Tsztoo* generates a CHANNEL# from the CAM 920 and the Channel Address Memory 922 generates a channel base address (BASE₁₃ ADD) and group identification values (GROUP ID). *See Tsztoo at 14:57-15:5*. *Tsztoo* further describes using

the channel base address and OFFSET to generate a channel address (CHAN₁₃ ADD). *See Tsztoo at 15:11-16.* Stated differently, *Tsztoo* stores the data based on the channel of the data. This is not analogous to claim 1, which recites storing the symbol data for the logical channel according to input sequences.

Once again, Applicant respectfully submits that the alleged combination is improper. *Tsztoo* relates to wired networks and thereby describes receiving a variety of type of packet data. In particular, FIG. 12 of *Tsztoo* indicates that it can support “Real-Time Transport Protocol (RTP), RTP Control Protocol (RTCP), TCP, RTP Multiplexed Voice, and Internet Control Message Protocol (ICMP).” *See Tsztoo at 18:14-17.* That is, *Tsztoo* describes receiving a plurality of packet types for processing. By contrast, *Keuhnel* describes wireless Asynchronous Transfer Mode (ATM) communication using ATM packets. Thus, the alleged combination would have to encapsulate the packets in an ATM packet for its “scarce resource of over-the-air interfaces.” *See Keuhnel at 3:44-47.* By encapsulating the first packet (e.g., TCP) in an ATM packet, the alleged combination now requires two headers, thereby requiring more bandwidth to transmit the packet and decreasing the efficiency of the alleged combination. Accordingly, *Keuhnel* expressly teaches away from the alleged combination as it describes only using ATM packets to transmit wireless data.

Tsztoo relates to different communications services and, therefore, the header must be preserved. In order for the alleged combination to be operable, the alleged combination thereby request *Keuhnel* to encapsulate the original packet in a second ATM packet. It is well known that encapsulation requires additional bandwidth, thereby **reducing the efficiency**. However, *Keuhnel* teaches that the “**key to widespread implementation** of a wireless ATM network is believed to be the cost efficiency of the system’s infrastructure, and its **transmission efficiency** for the scarce resource of over-the-air interfaces.” *See Keuhnel at 3:44-47.* Thus, *Keuhnel* expressly teaches away from the alleged combination because it actually reduces the efficiency of the alleged combination.

Further, none of the cited art cure at least the above-noted deficiencies of *Tsztoo*. Thus, for at least the foregoing reasons, claim 1 and all claims depending therefrom would not have been obvious from *Tsztoo* applied alone or in any reasonable combination with *Keuhnel* and/or *Witkowski*. Further, claim 6 and all claims depending therefrom are patentable over the cited references for at least substantially the same reasons discussed above in connection with claim 1.

IV. Conclusion

The Applicant submits that the above arguments are fully responsive to the Office Action dated October 16, 2009. Further, the Applicant submits that, for at least the foregoing reasons, all pending claims are in condition for allowance and notice to that effect is requested. Should the Examiner have any questions, the Examiner is encouraged to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

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